

# **2020 ADVANCED DUI TRIAL ADVOCACY**

August 31 – September 3, 2020  
Phoenix, Arizona



**Wednesday, September 2, 2020**

## **Prescription Drug DUI Cases**

Presented by:

**JAY CHAPMAN**

Assistant City Prosecutor  
City of Phoenix Prosecutor's Office

Distributed by:

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL  
3838 N. Central Ave, Suite 850  
Phoenix, Arizona 85012

ELIZABETH BURTON ORTIZ  
EXECUTIVE DIRECTOR



1

---

---

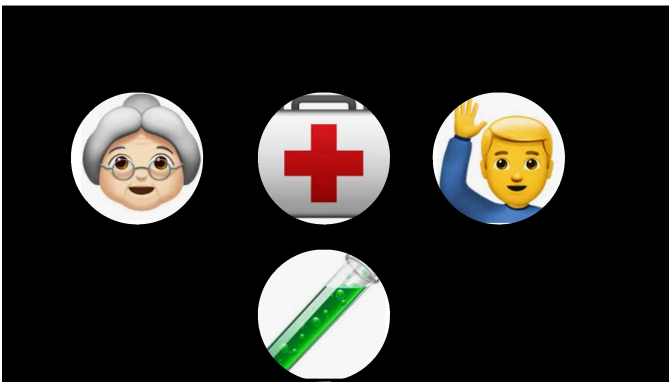
---

---

---

---

---



2

---

---

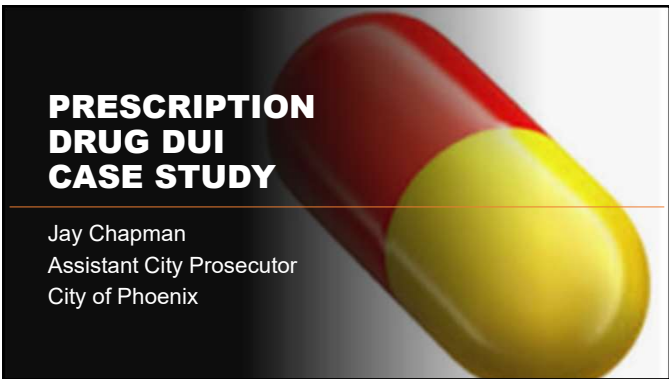
---

---

---

---

---



3

---

---

---

---

---


---

---

[illegible]

4

[illegible]



**PINE BLUFF POLICE DEPARTMENT #725**  
**Incident Report**

# Incident Report

---

**Officer Costanza saw 6 of 6 cues of HGN**

---

**Defendant had back pain**  
**No other field sobriety tests were given**

---

**Defendant was arrested**  
**Her blood was drawn**

5

[illegible][illegible]

6

---

---

---

---

---

---



7

Phoenix Police Department  
Laboratory Services Bureau  
621 West Washington Street Phoenix, Arizona 85003  
602-262-6197

**REPORT ON THE EXAMINATION OF PHYSICAL EVIDENCE**  
Examination Requested: **Toxicology - Blood Drug Analysis**

**CASE NUMBERS**  
Case Number: 202012345  
Department: Phoenix PD  
LSB Report #: 202012345

**REPORT DATE**  
Report Date: 05/08/2019  
Page: Page 1 of 2  
Approved By: A4166  
Request: 000

**ITEM DESCRIPTION**  
Item # 51000829070  
1 BLOOD KIT

**RESULTS**  
51000829070

**Drugs Confirmed**  
Alprazolam

**Confirmation Method**  
LC/MS/MS

**Classification**  
CNS Depressant

8

Phoenix Police Department  
Laboratory Services Bureau  
621 West Washington Street Phoenix, Arizona 85003  
602-262-6197

**REPORT ON THE EXAMINATION OF PHYSICAL EVIDENCE**  
Examination Requested: **Toxicology - Blood Drug Analysis**

**CASE NUMBERS**  
Case Number: 202012345  
Department: Phoenix PD  
LSB Report #: 202012345

**REPORT DATE**  
Report Date: 5/8/2019  
Page: Page 2 of 2  
Approved By: CL1910259254  
Request: CL1910259254

**EVIDENCE CUSTODY REPORT FOR 20190001446504**

FROM	TO	Transfer Date
51000714910	Bash, Connie	8/23/19 8:05
	Gallagher, Amanda	8/23/19 8:41
	Toxicology Walkin (1016)	8/27/19 15:44
	Gallagher, Amanda	8/27/19 16:54
	Toxicology Walkin (1016)	9/3/19 10:07
	Hoban, James S	9/6/19 7:52
	Toxicology Walkin (1016)	9/6/19 8:39
	Stenberg, Donald	9/6/19 15:31
	Toxicology Walkin (1016)	9/25/19 15:18
	Stenberg, Donald	9/27/19 11:37
	Toxicology Walkin (1016)	10/2/19 13:07
	Stenberg, Donald	10/6/19 17:23
	Toxicology Walkin (1016)	10/10/19 9:30
	Stenberg, Donald	10/11/19 17:32
	Toxicology Walkin (1016)	10/21/19 10:31
	Stenberg, Donald	10/23/19 13:03
	Toxicology Walkin (1016)	10/23/19 13:19
	Wynn, Kristen	10/23/19 13:26

9

 Florida Police Department Laboratory Division Bureau		<b>TOX-W5-50 Evidence Worksheet</b>																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
Printed on 1/18/2015 1:58:48 PM	Page 1 of 1																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
Case Number: <b>202012345</b> Item #: <b>51 DDDG714H1 D</b> Name: _____ Address: <b>226 NW 25th St</b>	Date: <b>5/8/2019</b> Name: <b>Bennis, Elaine</b>																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
<input type="checkbox"/> Delish Case <input type="checkbox"/> Delish Sample Report (print) (Print/Print)																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Item #</th> <th>QTY</th> <th>Brand</th> <th>Model</th> <th>Manufacturer</th> <th>Package Description</th> <th>Amount</th> <th>L</th> <th>S</th> <th>M</th> <th>MS</th> <th>Comments</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1</td> <td>Elantra</td> <td>Elantra</td> <td>Hyundai</td> <td>Elantra Elantra</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td>3</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>3</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>4</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>5</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>6</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>7</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>8</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>9</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>10</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>11</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>12</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>13</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>14</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>15</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>16</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>17</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>18</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>19</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>20</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>21</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>22</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>23</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>24</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>25</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>26</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>27</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>28</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>29</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>30</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>31</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>32</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>33</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>34</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>35</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>36</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>37</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.8 L, 160 HP</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>38</td> <td>1</td> <td>Power Windows</td> <td>Power Windows</td> <td>Hyundai</td> <td>Power Windows</td> <td>1.</td></tr></tbody></table>	Item #	QTY	Brand	Model	Manufacturer	Package Description	Amount	L	S	M	MS	Comments	1	1	Elantra	Elantra	Hyundai	Elantra Elantra	1.8 L, 160 HP						2	3	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						3	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						4	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						5	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						6	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						7	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						8	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						9	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						10	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						11	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						12	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						13	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						14	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						15	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						16	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						17	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						18	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						19	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						20	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						21	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						22	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						23	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						24	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						25	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						26	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						27	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						28	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						29	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						30	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						31	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						32	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						33	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						34	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						35	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						36	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						37	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP						38	1	Power Windows	Power Windows	Hyundai	Power Windows	1.
Item #	QTY	Brand	Model	Manufacturer	Package Description	Amount	L	S	M	MS	Comments																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
1	1	Elantra	Elantra	Hyundai	Elantra Elantra	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
2	3	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
3	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
4	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
5	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
6	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
7	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
8	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
9	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
10	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
11	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
12	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
13	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
14	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
15	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
16	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
17	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
18	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
19	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
20	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
21	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
22	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
23	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
24	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
25	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
26	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
27	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
28	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
29	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
30	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
31	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
32	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
33	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
34	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
35	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
36	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
37	1	Power Windows	Power Windows	Hyundai	Power Windows	1.8 L, 160 HP																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
38	1	Power Windows	Power Windows	Hyundai	Power Windows	1.																																																																																																																																																																																																																																																																																																																																																																																																																																																																									

10

95000001446554 (Unit #4730 8/2/2018)	
<b>PHOENIX POLICE DEPARTMENT</b>	
INCIDENT REPORT NUMBER <b>201912345</b>	
BARCODE NUMBER <b>514001191910</b>	DATE OF INCIDENT <b>8/2/19</b> TIME <b>14:33</b>
SUBJECT'S NAME <b>Bennis, Elaine</b>	POLICE OFFICER <b>6607</b> TIME <b>17:50</b>
DATE OF ARREST <b>5/4/19</b>	DATE BLOOD DRAWN <b>5/4/19</b> TIME <b>17:50</b>
ADDITIONAL INFORMATION <b>2014 LEL AK BJS B2K</b>	LOCATION OF DRAWING <b>AK 4111, S 57</b>
BLOOD DRAWN BY <b>AK 4111, S 57</b>	
CHAIN OF POSSESSION	
[Redacted Signature] <b>ELAINE BENNIS</b>	
[Redacted Signature] <b>Bennis, Elaine, SPECIMEN</b>	
BY <b>TIME</b>	
DATE	
BLOOD/URINE/OTHER	

11

Phoenix Police Department Laboratory Services Section		TOX-95-68 Blood Drug Analysis Worksheet #2	
Phonetic Print		Page 1 of 2	
Printed Name	Phonetic	Effective 10/20/04 9:30 AM	Approved: Worksheet
Subject Name: RW452, JR		Case Number: 00000001-000004	
<b>SCREENING</b>			
_____ (Print Name) _____ <div style="text-align: right; font-size: 2em;">Alprazolam</div>			
Screening: <b>SCREENS</b> <input checked="" type="checkbox"/>	Controls: <b>OK</b> <input checked="" type="checkbox"/>	Initials: _____	Date: _____
10/19/04 2:15:39 PM 10/19/04 2:15:39 PM			
<b>CONFIRMATION</b>			
Screening: <b>SCREENS</b> <input checked="" type="checkbox"/>	Controls: <b>OK</b> <input checked="" type="checkbox"/>	Initials: _____	Date: _____
Screenings: Barbiturates _____ Benzodiazepines _____ Cocaine _____ Marijuana _____ PCP _____ Phenytoin _____ Valproic Acid _____ Alcohol _____ Urine _____	Screenings: Barbiturates _____ Benzodiazepines _____ Cocaine _____ Marijuana _____ PCP _____ Phenytoin _____ Valproic Acid _____ Alcohol _____ Urine _____	Screenings: Amphetamines _____ Barbiturates _____ Benzodiazepines _____ Cocaine _____ Marijuana _____ PCP _____ Phenytoin _____ Valproic Acid _____ Alcohol _____ Urine _____	Initials: _____ Date: _____
Alprazolam <b>45</b> <input checked="" type="checkbox"/>	Screenings: Barbiturates _____ Benzodiazepines _____ Cocaine _____ Marijuana _____ PCP _____ Phenytoin _____ Valproic Acid _____ Alcohol _____ Urine _____	Screenings: Barbiturates _____ Benzodiazepines _____ Cocaine _____ Marijuana _____ PCP _____ Phenytoin _____ Valproic Acid _____ Alcohol _____ Urine _____	Initials: _____ Date: _____
Screenings: Barbiturates _____ Benzodiazepines _____ Cocaine _____ Marijuana _____ PCP _____ Phenytoin _____ Valproic Acid _____ Alcohol _____ Urine _____	Screenings: Barbiturates _____ Benzodiazepines _____ Cocaine _____ Marijuana _____ PCP _____ Phenytoin _____ Valproic Acid _____ Alcohol _____ Urine _____	Screenings: Barbiturates _____ Benzodiazepines _____ Cocaine _____ Marijuana _____ PCP _____ Phenytoin _____ Valproic Acid _____ Alcohol _____ Urine _____	Initials: _____ Date: _____

Ask analyst what work was done  
(not what work did you do)


Kit opened by 1<sup>st</sup> analyst  
Pre-screen by 2<sup>nd</sup> analyst  
Confirmed by 3<sup>rd</sup> analyst  
Report by 4<sup>th</sup> analyst  
Batch data approved by 5<sup>th</sup> analyst

Samples are not checked to make sure they are loaded correctly because only 10-20 samples

12

[illegible]

13

 **Drugs.com**  
Know more. Be sure.

**Xanax** 

Generic Name: **alprazolam** (al PRAY zoe lam)  
Brand Names: **Xanax, Xanax XR**

Medically reviewed by **Kadi Durbin, MD** Last updated on Jun 5, 2020.

**Overview**

[Side Effects](#)

[Dosage](#)

[Professional](#)

[Tips](#)

[Interactions](#)

[More ▾](#)


## What is Xanax?

Xanax (**alprazolam**) is a **benzodiazepine** (ben-zoe-dye-AZE-eh-peen). It is thought that alprazolam works by enhancing the activity of certain neurotransmitters in the brain.

Xanax is a prescription medicine used to treat **anxiety disorders** and anxiety caused by **depression**.


Xanax is also used to treat **panic disorders** with or without a fear of places and situations that might cause panic, helplessness, or embarrassment (agoraphobia).

14

**Drugs.com**  
Know more. Be sure.

Search

Browse all medications: [A](#)[B](#)[C](#)[D](#)[E](#)[F](#)[G](#)[H](#)[I](#)[J](#)[K](#)[L](#)[M](#)[N](#)[O](#)[P](#)[Q](#)[R](#)[S](#)[T](#)[U](#)[V](#)[W](#)[X](#)[Y](#)[Z](#)[9](#)

All 

Advanced Search

Avoid driving or hazardous activity until you know how this medicine will affect you. **Dizziness** or drowsiness can cause falls, accidents, or severe injuries.

The sedative effects of Xanax may last longer in older adults. Accidental falls are common in elderly patients who take **benzodiazepines**. Use caution to avoid falling or accidental injury.

Common Xanax side effects may include:

- drowsiness; or
- feeling light-headed.

15

## PRESCRIPTION DISCLOSED

- Has a doctor been disclosed?
- How long has the defendant been filling the prescription?
- Are the prescription fill dates only after the date of violation?

16

---

---

---

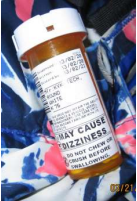
---


---

---

---

---





### Authenticated? Hearsay Exception?

17

---

---

---

---

---

---

---

---

## PRESCRIPTION DISCLOSED

- Rule of Evidence 902(11):  
certified record of regularly conducted activity meeting Rule 803(6)(A-C) requirements and must give notice and make available for inspection
- Rule of Evidence 803(6):
  - (A) Record made near the time by someone with knowledge
  - (B) Kept in the course of a regularly conducted activity of a business
  - (C) Making the record was a regular practice

18

---

---

---

---

---

---

---

---

### MOTION IN LIMINE

- Defendant can testify that she took a drug
- Defendant can testify what she believed she suffered from
- Preclude Defendant from testifying she had a prescription
- Preclude statements on prescription bottles
- Preclude pharmacy printouts
- Preclude prescription itself

19

---

---

---

---

---

---

---

---

### MOTION IN LIMINE

- Preclude Defendant repeating doctor's words, diagnosis, how defendant came about the drugs, who prescribed the drugs
- Preclude Defendant from testifying she took as prescribed
- Strategically, you can dismiss the (A)(3) charge and ask for the preclusion of the prescription because is not a defense to the (A)(1) charge

20

---

---

---

---

---

---

---

---

### CALL THE CRIMINALIST

- Is Alprazolam defined in § 13-3401?
- What is the drug classification of Alprazolam?
- What is the brand name of Alprazolam?
- What is Xanax taken for?
- How does Xanax affect the brain & body?
- At a therapeutic level, is Xanax impacting the mind & body?

21

---

---

---

---

---

---

---

---



## CALL THE CRIMINALIST

- Side effects are similar to alcohol (CND)
- Impairment of cognitive, sensory, and motor skills
- Slurred speech, drowsy, dizzy, confused, trouble concentrating, poor coordination, and poor balance
- Slower reaction time is consistent with Xanax impairment?
- Difficulty judging distance is consistent with Xanax impairment?

22

---

---

---

---

---

---

---

## CALL THE CRIMINALIST

- Expect HGN if impaired by Xanax?
- What is the therapeutic range for Xanax?
- There is no agreed upon level of impairment? Toxic level?
- Warnings associated with Xanax?
- 2<sup>nd</sup> tube of blood defense could test have tested?

23

---

---

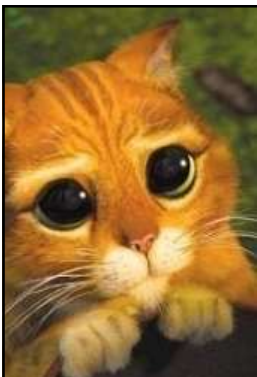
---

---

---

---

---



**You don't win a case  
during jury selection  
but you can lose it**

24

---

---

---

---

---

---

---

## JURY SELECTION FUNDAMENTALS

EAR method

- Experience: Please tell me about your experience
- Attitude: How did you feel about that?
- Rule: What are your views? What did you learn?

Listen & ask follow up questions

- Can you tell me more about that? Why is that?

25

---

---

---

---

---

---

---

---

## JURY SELECTION FUNDAMENTALS

- Have second set of eyes and ears
- Ask open-ended questions to get jurors talking
- Don't cross-examine a juror unless you are going to use strike
- Some jurors don't raise their hands to any questions.  
Bring them back individually and ask if anything came to mind

26

---

---

---

---

---

---

---

---

## WILL EMOTION SWAY THE JUROR?

Occupation  
Prior jury service  
Experience with police  
Facial expressions & Body languages  
Pauses  
Tone  
How are they dressed  
What book are they reading  
Rule follower ("Yes sir or madam")  
What does your "gut" tell you

27

---

---

---

---

---

---

---

---

### JURY QUESTIONS

It is a violation of A.R.S. § 28-1381(A)(1)  
to drive after taking Xanax and to be impaired by Xanax  
to the slightest degree.

A prescription is not a defense to the (A)(1) charge.

Would you have difficulty following the law?

---

---

---

---

---

---

---

28

### JURY QUESTIONS

It is a violation of A.R.S. § 28-1381(A)(3)  
to drive after taking Xanax without a valid prescription.  
The (A)(3) charge does not require impairment.

Would you have difficulty following the law?

---

---

---

---

---

---

---

29

### JURY QUESTIONS

Have you, a family member or close friend ever taken  
Xanax or an anti-depressant drug?

When did the person start taking Xanax?  
How recently did the person take Xanax?  
Does the person drive after taking Xanax?

Have you, a family member or close friend ever regularly  
used a prescription drug?

---

---

---

---

---

---

---

30

### JURY QUESTIONS

- Has anyone taken a course in, or do you consider yourself knowledgeable in the field of medicine, chemistry, pharmacology or the effects of drugs on the body?
- Have you or anyone close to you ever worked where prescription drugs are sold?
- Have you or anyone close to you ever worked in a lab or any medical testing facility?
- Have you had training or work experience in any drug treatment programs?

31

---

---

---

---

---

---

---

### JURY QUESTIONS

- Has anyone ever challenged a traffic ticket, for a example a speeding ticket?
- Have you, a family member or close friend had an especially positive or negative experience with police?

32

---

---

---

---

---

---

---

### JURY INSTRUCTION

Alprazolam is defined in § A.R.S. 13-3401

33

---

---

---

---

---

---

---

## JURY INSTRUCTION

It is not a defense to a charge of a violation of 28-1381(A)(1) that the defendant is or has been entitled to use the drug under the laws of this state. 28-1381(B)

(Therefore....A prescription is NOT a defense to the (A)(1) charge)

34

---

---

---

---

---

---

---

## JURY INSTRUCTIONS

- It is a defense to the A.R.S. § 28-1381(A)(3) charge that the defendant was taking the drugs as prescribed by a licensed medical practitioner. It is the defendant's burden to prove this defense by a preponderance of the evidence.
- A party having the burden of proof by a preponderance of the evidence must persuade you, by the evidence, that the claim or a fact is more probably true than not true. This means the evidence that favors that party outweighs the opposing

35

---

---

---

---

---

---

---

## OPENING STATEMENT

36

---

---

---

---

---

---

---



37

---

---

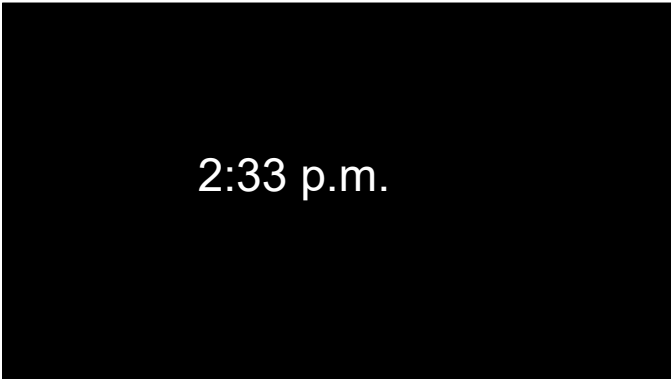
---

---

---

---

---



38

---

---

---

---

---

---

---



39

---

---

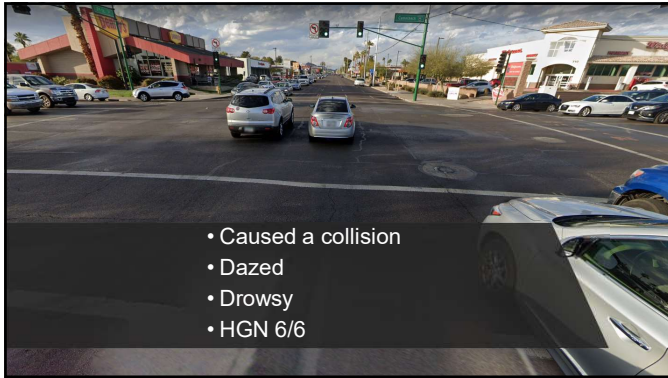
---

---

---

---

---



40

---

---

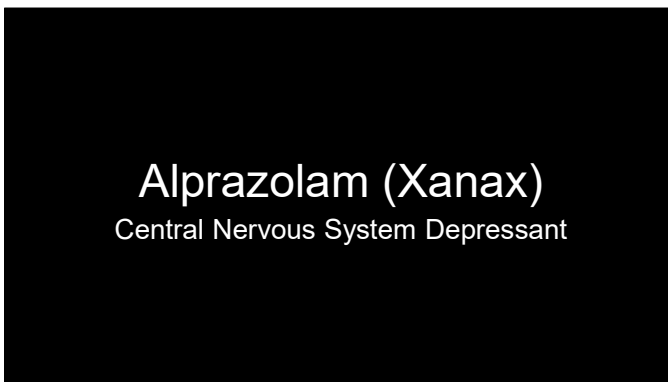
---

---

---

---

---



41

---

---

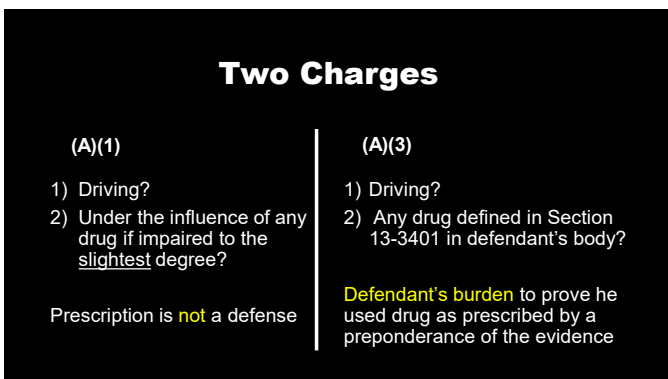
---

---

---

---

---



42

---

---

---

---

---

---

---

## Beyond a Reasonable Doubt

Firmly Convinced?

43

---

---

---

---

---

---

---

## Victim testimony

- Not just a witness to prove driving but impairment & not taking drug as prescribed
- How did collision occur? Did Defendant brake?
- Did you call 911 after the collision? Why did you call? How did Defendant respond?
- What did the Defendant do after the accident? What did the Defendant say after the accident?

44

---

---

---

---

---

---

---

## Victim testimony

- Did the Defendant have balance problems?
- Was the Defendant dazed?
- Was the Defendant drowsy?
- Did the Defendant have slurred speech?
- Did the Defendant try to leave?

45

---

---

---

---

---

---

---



## **DIRECT EXAMINATION OF OFFICER COSTANZA**

- Ask about signs of impairment not mentioned in police report
- Did you observe anything that suggested the defendant was having a medical issue?
- Did the defendant say she was having a medical issue?
- Did you call out Fire?
- Were your observations of the defendant consistent with signs & symptoms of impairment of a drug?

46

---

---

---

---

---

---

---

---

## **DIRECT EXAMINATION OF FORENSIC SCIENTIST**

- Pre-trial interview is critical
- Interview again closer to trial and follow up on first interview
- On the witness stand, keep it interesting
- Minimize role or stipulate to toxicology results

47

---

---

---

---

---

---

---

---

## **DEFENSE CASE**

48

---

---

---

---

---

---

---

---

**DEFENSE CRIMINALIST OR DOCTOR**

- Does Xanax require a prescription?
- Xanax belongs to what drug classification?
- What is Xanax taken for?
- Describe how Xanax affects the brain & body

49

---

---

---

---

---

---

---

**DEFENSE CRIMINALIST OR DOCTOR**

- You don't have personal knowledge of when the Defendant took Xanax before driving on 5/4/19?
- Difficulty perceiving distance is consistent with impairment of Xanax, correct?
- Being dazed is consistent with impairment of Xanax?
- Being drowsy is consistent with impairment of Xanax?
- Agree 6 cues on the HGN test is consistent with a neurological dysfunction one cause of which is a central nervous system depressant?
- You do not know if the defendant took Xanax as prescribed, isn't that true?

50

---

---

---

---

---

---

---

**DEFENSE CRIMINALIST ONLY**

- You have never met the defendant before?
- You are not licensed to write prescriptions?
- You are not a doctor?
- You don't know what instructions were provided to the defendant by her doctor in regards to taking Xanax?

51

---

---

---

---

---

---

---

**CROSS OF DEFENDANT**

- Before driving on 5/4/19 you took Xanax?
- You were involving in a car accident?
- You were turning left & the other car had a green light, correct?
- You failed to yield, correct? You caused the collision, right?

52

---

---

---

---

---

---

---

**CROSS OF DEFENDANT**

- This collision was over a year ago, correct?
- Today you claim you dropped your phone but you did not tell that to the officers over a year ago, right?
- You would agree memory fades over time?
- You would agree that having a drug in your system may affect your ability to recall specific details?  
It does not improve your ability?

53

---

---

---

---

---

---

---

**CROSS OF DEFENDANT**

- Although you claim you have taken Xanax for years, isn't it true the Xanax you took on 5/4/19 still affected you?
- If you took Xanax for years then you don't know what it is like to not have Xanax in your system, right?
- You would agree, Xanax is not cheap?  
If Xanax had no effect on your brain or body, you wouldn't spend money on it, right?

54

---

---

---

---

---

---

---

## CROSS OF DEFENDANT

- Agree that Xanax slows down your central nervous system?
- Agree that this could happen without you consciously being aware of it?
- This can affect your perception?
- This could affect your reaction time?

55

---

---

---

---

---

---

---

## CLOSE

### (A)(1)

- 1) Driving?
- 2) Under the influence of any drug if impaired to the slightest degree?

Prescription is **not** a defense

Caused a collision

Dazed

Drowsy

HGN

The amount of Xanax in defendant's blood was higher than the therapeutic range

### (A)(3)

- 1) Driving?
- 2) Any drug defined in Section 13-3401 in defendant's body?

**Defendant's burden** to prove he used drug as prescribed by a preponderance of the evidence

Xanax was in the defendant's blood.

The pharmacy printouts do not prove the Defendant took Xanax as prescribed.

The defense scientist doesn't know when she took Xanax or how much.

If she took as prescribed, why did she look like she was falling asleep at 2:30 p.m.?

You saw how the defendant was unable to answer questions on the stand.

It is her burden to prove.

56

---

---

---

---

---

---

---

## CLOSE

- The question is not whether the Defendant is polite or a bad person. The Defendant made a poor decision. This case is about safety. You were selected as jurors because you swore you would follow the law.

"Your verdict should not be influenced by passion against the Defendant nor by sympathy for the Defendant. It should be fair, impartial and based upon the facts of the case."

57

---

---

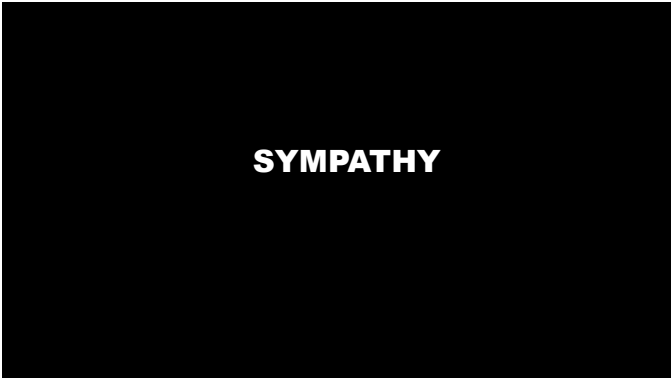
---

---

---

---

---



58

---

---

---

---

---

---

---



59

---

---

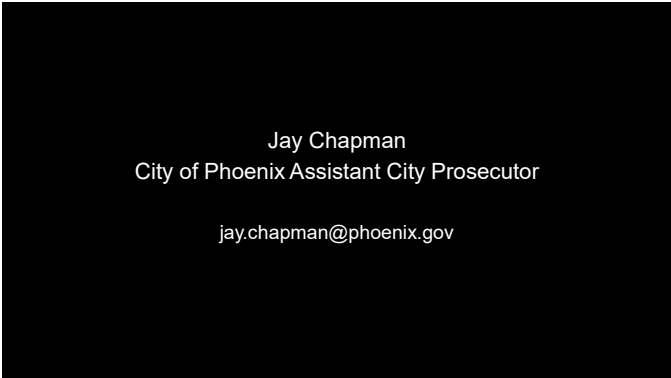
---

---

---

---

---



60

---

---

---

---

---

---

---